

Division of Securities
Utah Department of Commerce
160 East 300 South
P.O. Box 45808
Salt Lake City, Utah 84145-0808
Telephone: 801 530-6600
Facsimile: 801 530-6980

**BEFORE THE DIVISION OF SECURITIES
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF

JARED WILLIAM BIRD

Respondent.

**EMERGENCY ORDER TO CEASE
AND DESIST and ORDER TO
SHOW CAUSE**

Docket No. SD-07-0057

This matter comes before the Director of the Utah Division of Securities (the Division) on allegations of Division staff that Jared William Bird, (the Respondent) has engaged in acts and practices which violate the Utah Uniform Securities Act, Utah Code Ann. § 61-1-1, et seq. (the Act). Having been advised of relevant facts discovered in the course of the Division staff's investigation of this matter, the Director finds and concludes that Respondent's conduct presents an immediate and significant danger to the public welfare, and that the threat requires immediate action by the Division. The Director issues this Emergency Order in accordance with the

provisions of Utah Code Ann. §63-46b-20. The Director further issues this Order to Show Cause in accordance with the provisions of Utah Code Ann. § 61-1-20 (1).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

In support of this Emergency Order and Order to Show Cause, the Division's staff has received evidence establishing the following facts:

PARTIES

1. NevWest Corp. (NevWest) was registered as a Nevada corporation on May 24, 2002. Brian Kitts (Kitts) is the president, secretary, treasurer, and director of NevWest. NevWest has never been registered as a foreign corporation in Utah.
2. Jared William Bird (Bird) resided in Utah at all times relevant to the matters asserted herein. Bird is Kitts' stepson, and a NevWest employee.¹

SOLICITATIONS

3. On or about April 2004, Bird approached A. H. and her husband about an investment opportunity with his stepfather, Brian Kitts. Bird told them that Kitts had a company, NevWest Corp., that Kitts was taking public in about three months.
4. Bird said Kitts needed money to fund the IPO process, so Kitts was offering NevWest stock at \$0.25 per share. Bird also said NevWest stock would be worth significantly more when it went public.

¹ NevWest's bank records reveal that from August 2005 to August 2006 Bird received a total of \$15,350 from NevWest.

5. After talking to Bird and Kitts several times, A. H. decided to buy 10,000 shares of NevWest stock for \$2,500. A. H. completed and signed a subscription agreement and an accredited investor questionnaire but was not given copies of them. A. H. was given no other disclosure documents.
6. On April 25, 2004, A. H. invested \$2,500 by personal check made payable to NevWest. After investing, A. H. received a stock certificate that she deposited in her E-Trade account.
7. A. H. does not meet the net worth criteria nor the annual income criteria to be considered an accredited investor.
8. A. H. was not told by either Bird or Kitts about the judgment and tax lien against Kitts. She also was not told by either Bird or Kitts that one of Kitts' companies, Sunpeak Holdings, Inc., had filed for bankruptcy.
9. Review of the NevWest checking account at Bank of America shows A. H.'s check for \$2,500 was deposited on April 26, 2004, along with other checks. The total of the deposit was \$8,200. Prior to the deposit the account balance was approximately \$6,600.
10. Expenditures from NevWest's Bank of America checking account following the deposit that might be related to NevWest business include a payment to Brad Beckstead for \$1,500 containing a notation, "Retainer for 2002/2003 Audit," and a payment to Secretary of State for \$205 containing a notation, "Certified Copy \$30, Amended Articles \$175."
11. All other expenditures from NevWest's Bank of America checking account are personal

in nature and include, but are not limited to, a transfer to a personal account belonging to Laurie Kitts (\$7,000), a cash withdrawal (\$2,934) and purchases at Dan's Food, Gart Sports, Walmart, Friendfinder, Park City Golf Course, Easy Riders Salt Lake, La Caille Restaurant, and Genie Rug Company, to name a few.

12. At 9:00 pm on August 22nd or 23rd, 2007, A. H. was contacted again by Jared Bird, after not hearing from him for several years.
13. Bird told A. H. that NevWest had finally gone public and changed its name to Brisam Corporation. Bird also told A. H. that Kitts was in the process of taking another company public in about three months.
14. Bird told A. H. she could invest in this new company on the same terms as her investment in NevWest. Bird told A. H. the symbol of this new company is HYHY.

MISREPRESENTATIONS AND OMISSIONS

15. In connection with the offer and sale of securities in this state, Bird made misrepresentations of material facts and omitted to state material facts.
16. The material misrepresentations made by Bird include, but are not limited to, the following:
 - a. Claims that investor money would be used to fund NevWest's IPO, when in fact, investor money was used to pay Brian Kitts' personal expenses;
 - b. Claims that the price of NevWest stock would increase significantly after NevWest went public; and

- c. Claims that NevWest was finally a public company, when in fact, NevWest has never been a public company.
- 17. Bird failed to disclose material information to A. H. about the investment. The information that should have been disclosed includes, but is not limited to, the following:
 - a. That on July 16, 2007, the Division of Securities initiated a formal administrative action against Brian Kitts, president of NevWest, alleging securities fraud, sale of unregistered securities, sale by unlicensed agents, and employing unlicensed agents;
 - b. That on July 19, 2007, the State of Utah initiated a criminal action against Brian Kitts, alleging securities fraud, theft, and racketeering, all second or third degree felonies;
 - c. That Kitts had an unpaid civil judgment and tax lien against him;
 - d. That one of Kitts' companies, Sunpeak Holdings, Inc., had filed for bankruptcy; and
 - e. That the securities offered were not registered with the Division of Securities.

DANGER OF IMMEDIATE HARM TO THE PUBLIC

- 18. Jared William Bird has been soliciting money from at least one investor as recently as August 23rd, 2007. The solicitation occurred approximately one month after the Division initiated an administrative action against NevWest's president, Brian Kitts, alleging securities fraud, sale of unregistered securities, sale by unlicensed agents, and employing

unlicensed agents. The solicitation also occurred approximately one month after the State of Utah filed a criminal action against Brian Kitts, alleging securities fraud, theft, and racketeering, all second and third degree felonies.

19. The Division believes, based on the continuing solicitation, that Bird will continue to offer and sell securities in this state, utilizing misleading and fraudulent statements.

EMERGENCY ORDER


1. The Director finds and concludes that Bird's continuing solicitation of at least one Utah resident as recently as August 23, 2007, poses an immediate and significant danger to the public welfare because the securities involve fraudulent conduct.
2. In light of the foregoing and in order to prevent or avoid further danger to the public welfare, it is hereby ORDERED in accordance with Utah Code Ann. § 63-46b-20 that:
 - a. Jared William Bird shall immediately CEASE AND DESIST from selling securities in this State by means of misrepresentations and omissions of material fact.
 - b. Jared William Bird shall immediately CEASE AND DESIST from any other violations of the Act.
3. Jared William Bird is advised that, pursuant to the Utah Code Ann. § 61-1-21, any violation of this Emergency Order is punishable as a third-degree felony.

ORDER TO SHOW CAUSE

The Director, pursuant to Utah Code Ann. § 61-1-20, hereby orders Respondent to appear at a formal hearing to be conducted in accordance with Utah Code Ann. § 63-46b-4 and 63-46b-5, and held before the Utah Division of Securities. The hearing will occur on Monday, October 15, 2007, at 10:00 a.m., at the office of the Utah Division of Securities, located in the Heber Wells Building, 160 East 300 South, Salt Lake City, Utah 84114, telephone (801) 530-6001. The Division will be represented by Assistant Attorney General Jeff Buckner, 160 East 300 South #500, Salt Lake City, Utah 84114. Respondent may elect to be represented by counsel. If the Respondent fails to appear at the hearing, an order to cease and desist may be issued and a fine imposed by default against that Respondent, as provided by Utah Code Ann. § 63-46b-11. At the hearing, Respondent may show cause, if any he has:

1. Why Jared William Bird should not be ordered permanently to CEASE AND DESIST from engaging in any further conduct in violation of Utah Code Ann. §§ 61-1-1, 61-1-3, 61-1-7 or any other section of the Act; and
2. Why Jared William Bird should not be ordered to pay a fine to the Division in the amount of fifteen thousand dollars (\$15,000).

DATED this 4TH day of September, 2007.



WAYNE KLEIN
Director, Division of Securities
Utah Department of Commerce



Division of Securities
Utah Department of Commerce
160 East 300 South, 2nd Floor
Box 146760
Salt Lake City, UT 84114-6760
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**BEFORE THE DIVISION OF SECURITIES
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF:

JARED WILLIAM BIRD

Respondent.

NOTICE OF AGENCY ACTION

Docket No. SD-07-0057

THE DIVISION OF SECURITIES TO THE ABOVE-NAMED RESPONDENT:

The purpose of this Notice of Agency Action is to inform you that the Division hereby commences a formal adjudicative proceeding against you as of the date of the mailing of the Order to Show Cause. The authority and procedure by which this proceeding is commenced are provided by Utah Code Ann. §§ 63-46b-3 and 63-46b-6 through 11. The facts on which this action is based are set forth in the foregoing Order to Show Cause.

Within thirty (30) days of the mailing date of this notice, you are required to file an Answer with the Division. The Answer must include the information required by Utah Code § 63-46b-6 (1). In addition, you are required by § 63-46b-6 (3) to state: a) by paragraph, whether

you admit or deny each allegation contained in the Order to Show Cause, including a detailed explanation for any response other than an unqualified admission; b) any additional facts or documents which you assert are relevant in light of the allegations made; and c) any affirmative defenses (including exemptions or exceptions contained within the Utah Uniform Securities Act) which you assert are applicable. To the extent that factual allegations or allegations of violations contained in the Order to Show Cause are not disputed in your Answer, they will be deemed admitted.

Your Answer, and any future pleadings or filings that should be part of the official files in this matter, should be sent to the following:

Signed originals to:

Administrative Court Clerk
c/o Pam Radzinski
Division of Securities
160 E. 300 S., Second Floor
Box 146760
Salt Lake City, UT 84114-6760
(801) 530-6600

A copy to:

Jeff Buckner
Assistant Attorney General
160 E. 300 S., Fifth Floor
Box 140872
Salt Lake City, UT 84114-0872
(801) 366-0310

A hearing date has been set for Monday, October 15, 2007, at 10:00 a.m., at the office of the Utah Division of Securities, located in the Heber Wells Building, 160 East 300 South, 2nd Floor, Salt Lake City, Utah.

If you fail to file an Answer, as set forth herein, or fail to appear at the hearing, the Division of Securities may hold you in default, and a fine and other sanctions may be imposed

against you in accordance with Utah Code Ann. § 63-46b-11, without the necessity of providing you with any further notice. In lieu of default, the Division may decide to proceed with the hearing under § 63-46b-10. At the hearing, you may appear and be heard and present evidence on your behalf. You may be represented by counsel during these proceedings.

The presiding officer in this case is Wayne Klein, Director, Division of Securities. Questions regarding the Order to Show Cause and Notice of Agency Action should be directed to the Division's attorney, Jeff Buckner, at (801) 366-0310.

DATED this 4TH day of September, 2007.


WAYNE KLEIN
Deputy Director
Utah Department of Commerce




Certificate of Mailing

I certify that on the 4TH day of September, 2007, I mailed, by certified mail, a true and correct copy of the Emergency Order to Cease and Desist and Order to Show Cause, and Notice of Agency Action to:

Jared William Bird
11251 S State Street #L303
Sandy, UT 84070

Certified Mail # 7005 1820 0003 7191 3166


Executive Secretary